

***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLEE**

77-6008

To be argued by
STEVEN M. SCHATZ

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 77-6008

STREETWORKERS, INC.,

Petitioner-Appellant,

—v.—

UNITED STATES OF AMERICA,

Respondent-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BRIEF FOR THE UNITED STATES OF AMERICA

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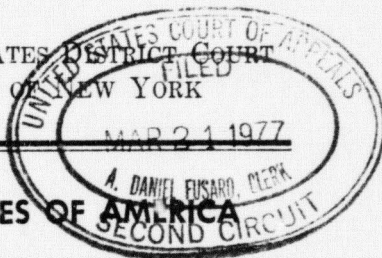


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**United States Court of Appeals
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STREETWORKERS, INC.,
Petitioner-Appellant,
—v.—

UNITED STATES OF AMERICA,
Respondent-Appellee.

BRIEF FOR THE UNITED STATES OF AMERICA

Preliminary Statement

Streetworkers, Inc. ("Streetworkers"), appeals from an order dated December 15, 1976, and entered on December 16, 1976, in the United States District Court for the Southern District of New York, by the Honorable Thomas P. Griesa, United States District Judge, denying its motion pursuant to Rule 41(e), Fed. R. Crim. P.: (1) to suppress and preclude the subsequent use of certain books and records subpoenaed by the New York City Department of Investigation and turned over to the United States Attorney's Office; and (2) to return the aforesaid books and records to Streetworkers.

Statement of Facts

In 1974, the Department of Investigation of the City of New York began an investigation into possible de-

falcation and misuse of federal and state funds by Streetworkers, Inc., a non-profit corporation organized and existing under New York law. (Affidavit of Steven M. Schatz dated March 16, 1977 ("Schatz Aff.") ¶ 2).^{*} In June 1974, the Department of Investigation subpoenaed various books and records of Streetworkers, which documents were provided by Streetworkers to the Department of Investigation (Schatz Aff. ¶ 2, Exhibit 1; A-6). Upon completion of its investigation in April 1975, the Department of Investigation referred the case to the United States Attorney's Office for possible prosecutive action. (Schatz Aff. ¶ 2, Ex. 2).^{**}

In a letter dated July 16, 1975, Assistant United States Attorney David Cutner, who was then in charge of the criminal investigation, requested from the Department of Investigation certain documents pertaining to the Streetworkers case, which documents were then produced to the United States Attorney's Office. (Schatz Aff. ¶ 3, Ex. 3).

In October 1975, counsel for Streetworkers wrote the Department of Investigation requesting the return of the subpoenaed corporate documents. (Pet. Exs. B and C;

^{*} The hearing of December 15, 1976, which resulted in the order on which this appeal is based, is not recorded. Accordingly, the Schatz affidavit, to which four exhibits are appended, has been submitted to apprise this Court of the factual record underlying this appeal. See F.R. App. P., R. 10(c), 10(e).

"Ex." refers to Government Exhibit; "Pet. Ex." refers to petitioner's exhibit; "Br." refers to petitioner's brief; and "A" refers to petitioner's appendix.

^{**} Streetworkers had received a grant of approximately \$86,000 from the Law Enforcement Assistance Administration of the United States Department of Justice (LEAA) through a program administered by the New York City Criminal Justice Coordinating Council. (Schatz Aff., Ex. 2).

A-7, A-8). In a letter dated October 30, 1975, the Deputy Commissioner of the Department of Investigation apprised Streetworkers' counsel that the matter had been referred to the United States Attorney's Office. (Pet. Ex. D; A-9).

In January 1976, counsel for Streetworkers wrote Assistant United States Attorney Cutner and requested the return of the books and records which had been turned over to the United States Attorney's Office. (Pet. Ex. E; A-10; Schatz Aff. ¶ 4). In a letter dated March 4, 1976, Mr. Cutner advised that he would enclose copies of certain Streetworkers' ledger books, and that the originals would be made available for perusal if required. (Schatz Aff. ¶ 4, Ex. 4). The United States Attorney further advised counsel that

"your client is presently a subject of a grand jury investigation into possible misuses of federal funds by local agencies. Under such circumstances, I cannot return the above records to you at the present time, nor can I provide you with a certain date for such return. I will, however, make every effort to accommodate the legitimate needs of your client as to such records with the needs of the grand jury." (Schatz Aff., Ex. 4).*

By notice of motion dated November 30, 1976, Streetworkers moved pursuant to Rule 41(e), Fed. R. Cr. P., for the return of the documents originally subpoenaed by the Department of Investigation and subsequently turned

* Some time later in 1976, counsel for Streetworkers called Assistant United States Attorney Seven M. Schatz, who had taken over the investigation from Mr. Cutner. Mr. Schatz reiterated that the Government would make copies of any documents which Streetworkers needed. Counsel was further advised that the matter was being referred to the Grand Jury.

over to the United States Attorney's Office. Streetworkers further moved that the aforesaid documents be suppressed in any subsequent prosecution. (A-2; Schatz Aff. ¶ 5).

On December 15, 1976, argument on this motion was heard before the Honorable Thomas P. Griesa, then presiding in Part I. At the hearing the Assistant United States Attorney advised the Court that the United States Attorney's Office had received the documents from the Department of Investigation which, in turn, had subpoenaed them from Streetworkers. (Schatz Aff. ¶ 6). The Assistant United States Attorney further advised that the Government was prepared to serve Grand Jury Subpoenas Duces Tecum on both Streetworkers and the Department of Investigation. At the hearing before the Part I Judge, the Assistant United States Attorney handed counsel for Streetworkers a Grand Jury Subpoena Duces Tecum. (Id.).*

Judge Griesa issued an order denying Streetworkers' motion. (A-11). He noted that the Government was prepared to make copies of the documents which Streetworkers requested and that a Grand Jury Subpoena was being served on Streetworkers.** Judge Griesa further noted that the order was without prejudice to Streetworkers seeking further relief if practical matters concerning the need for documents could not be resolved.***

* Counsel for Streetworkers stated that he was not authorized to accept such a subpoena. The Government disputes this contention. (See Schatz Aff., fn. to ¶ 6).

** Subsequently, both the Department of Investigation as well as various officials and employees of Streetworkers were served formally with Grand Jury Subpoenas Duces Tecum calling for, among other items, documents originally subpoenaed by the Department of Investigation. (Schatz Aff. ¶ 7).

*** Since the entry of Judge Griesa's order, Streetworkers has never requested either to examine original documents or to receive copies.

It is from this order, issued during the pendency of a criminal investigation, that Streetworkers appeals.

ARGUMENT

POINT I

The Order Of The District Court Is Not Appealable.

Streetworkers seeks to appeal from an order issued during the pendency of a criminal investigation, denying 1) the return of certain of its books and records originally subpoenaed by the Department of Investigation and turned over to the United States Attorney's Office; 2) the suppression of such books and records at any subsequent proceeding. That order further required the United States Attorney to make available copies of the subpoenaed documents and was without prejudice to Streetworkers seeking further relief if practical problems concerning access to the documents could not be resolved. Since this order is not appealable, the appeal should be dismissed.*

The Congressional policy against the piecemeal disposition of appeals, particularly in criminal cases, is well-settled:

"Congress from the beginning has, by forbidding piecemeal disposition on appeal of what for practical purposes is a single controversy, set itself against enfeebling judicial administration.

* * * * *

To be effective, judicial administration must not be leaden-footed. Its momentum would be arrested

* Appellants' brief contains no discussion of the jurisdictional basis of the appeal.

by permitting separate reviews of the component elements in a unified cause. *These considerations of policy are especially compelling in the administration of criminal justice. . . . [E]ncouragement of delay is fatal to the vindication of the criminal law.*" *Cobbledick v. United States*, 309 U.S. 323, 325 (1940). (Emphasis supplied.)

See also *DiBella v. United States*, 369 U.S. 121 (1962); *United States v. Ryan*, 402 U.S. 530 (1971); *In re Grand Jury Investigation of violation of 18 U.S.C. § 1621 (Perjury)*, 318 F.2d 533 (2d Cir.), cert. dismissed, 375 U.S. 802 (1963) (hereinafter "*General Motors*"); *In re Grand Jury subpoena served on John Doe*, 546 F.2d 498 (2d Cir. 1976); Cf. *Perlman v. United States*, 247 U.S. 7, 12-13 (1918).

Thus, an order denying the application of witnesses to quash a Grand Jury Subpoena Duces Tecum is not an appealable "final decision". *Cobbledick v. United States*, *supra*. Similarly, an order granting or denying a pre-indictment motion to suppress evidence is not appealable. *DiBella v. United States*, *supra*.

Only limited, narrow exceptions exist to this principle; these exceptions arise only when powerful considerations outweigh the policy against piecemeal litigation. In *DiBella*, the Supreme Court set precise limits on the appealability of orders rendered pursuant to Rule 41(e) motions: "Only if the motion is solely for return of property *and* is in no way tied to a criminal prosecution *in esse* against the movant can the proceeding be regarded as independent." *DiBella v. United States*, *supra*, 369 U.S. at 131-2. (Italics supplied.) Because this appeal meets neither of the requirements set forth in *DiBella*, there is no appellate jurisdiction.

Streetworkers sought not merely the return of certain books and records, but also their suppression at any subsequent proceedings. Thus, the first requirement set forth by *DiBella* is not met. See *e.g.*, *Smith v. United States*, 377 F.2d 739, 742 (3rd Cir. 1967); *Meier v. Keller*, 521 F.2d 548, 556 (9th Cir. 1975), *cert. denied*, 424 U.S. 943 (1976); *Hill v. United States*, 346 F.2d 175, 178 (9th Cir.), *cert. denied*, 382 U.S. 956 (1965).*

Streetworkers also fails to satisfy the second requirement articulated in *DiBella*. An appeal is permitted only if the Rule 41(e) motion is "in no way tied to a criminal prosecution *in esse* against the movant." *DiBella* and the cases that construe it have established that a grand jury investigation constitutes a criminal prosecution *in esse*. In *DiBella*, the Court ruled:

"We hold, accordingly, that the mere circumstance of a pre-indictment motion does not transmute the ensuing evidentiary ruling into an independent proceeding begetting finality even for purposes of appealability. *Presentation before a United States Commissioner, . . . as well as before a grand jury . . . are parts of the federal prosecutorial system leading to a criminal trial. Orders granting or denying suppression in the wake of such proceedings are truly interlocutory, for the criminal trial is*

* There is a division among the Circuits as to the effect of the "solely for return of property" language of *DiBella*. For example, *Smith v. United States*, *supra* and *Hill v. United States*, *supra*, deny appealability when the motion for return of property is coupled with a suppression motion. On the other hand, some courts have read this language to make appealable that part of the order denying the return of property. See *Shea v. Gabriel*, 520 F.2d 879, 881 (1st Cir. 1975). The Government submits that the policy against piecemeal review strongly militates in favor of the first interpretation.

then fairly in train. When at the time of ruling there is outstanding a complaint, or a detention or release on bail following arrest, or an arraignment, information, or indictment—in each such case the order on a suppression motion must be treated as ‘but a step in the criminal case preliminary to the trial thereof.’” *DiBella v. United States*, *supra*, 369 U.S. at 131. (Citations omitted). (Emphasis supplied).

The clear inference to be drawn from *DiBella* is that a grand jury investigation is a criminal prosecution *in esse*. Indeed, that conclusion has been reached by the Third Circuit in *Smith v. United States*, *supra*, 377 F.2d at 742:

“... even though at the time the petition was filed the petitioners had not been indicted, the prosecution was nevertheless ‘in esse’ in the sense used in the *DiBella* case. Indeed, the motions considered in *DiBella* were preindictment motions.”

See also *Hill v. United States*, *supra*, 346 F.2d at 177-78; *cf. General Motors*, *supra*, 318 F.2d at 535.*

Underlying the *DiBella* rule is the principle that criminal prosecutions ought not to be disrupted and delayed.

* A recent decision, *Shea v. Gabriel*, *supra*, appears to take a different and, we submit, erroneous view of what constitutes a criminal prosecution *in esse*. In *Shea*, the First Circuit reads *DiBella* to limit the definition of criminal prosecution *in esse* to proceedings commenced by the filing of a complaint, indictment, or information. It reaches this conclusion, however, by quoting, and apparently considering, only a portion of the passage from *DiBella* quoted herein at pp. 7-8. 520 F.2d at 882, n.8. Furthermore, the *Shea* Court ultimately avoids defining “criminal prosecution *in esse*” by assuming appellate jurisdiction *arguendo* and affirming the judgment of the district court on the merits. We submit that *Shea* is a misconstruction of *DiBella*.

"It is no less important to safeguard against undue interruption of the inquiry instituted by a grand jury than to protect from delay the progress of the trial after an indictment has been found." *Cobbledick v. United States*, *supra*, 309 U.S. at 327. This appeal illustrates the wisdom of the policy. It has forced the United States Attorney's Office to divert its energies from the grand jury investigation—a grand jury investigation that may or may not result in an indictment. If an indictment does not issue, the documents would be returned to Streetworkers without any need for this Court to resolve the underlying issue. If an indictment were voted, the trial judge could then have the benefit of resolving the suppression issue on the basis of a full record. Furthermore, this Court would be spared the burden of having to review the case on more than one occasion. Indeed, the resolution of the case in the District Court might obviate the need for any appellate review.

POINT II

The District Court Properly Denied Streetworkers' Motion To Return The Documents And To Suppress Their Subsequent Use.

Streetworkers apparently contends that the Department of Investigation "unlawfully seized the documents" that it had subpoenaed from Streetworkers when it retained them and subsequently transferred them to the United States Attorney's Office. (Br. 8). It also contends that the subsequent transfer to the United States Attorney's Office constituted an unlawful "seizure". (Br. 5). These contentions are without merit, and accordingly Judge Griesa's order should be affirmed.

Judge Griesa denied Streetworkers' motion to return the subpoenaed corporate documents and to suppress their subsequent use, except to the extent that he ordered the United States Attorney's Office to make copies of the

originals available, upon request, to Streetworkers. (A-11, Schatz Aff. ¶ 7). He further noted that a grand jury subpoena was being served on Streetworkers. (A-11).

The subpoena of the corporate documents by the Department of Investigation was unquestionably lawful. See New York City Charter Rev. §§ 801-05 (1976);* *cf. In re Weiner*, 183 Misc. 267, 49 N.Y.S. 2d 199 (S. Ct. 1944); *Ruskin v. Brenner*, 60 Misc. 2d 545, 303 N.Y.S. 2d 826 (S. Ct.), *aff'd* 305 N.Y.S. 2d 966 (App. Div. 1st Dept. 1969). The Department of Investigation had a legitimate interest in investigating the possible defalcation of the Law Enforcement Assistance Administration funds which had been channelled to Streetworkers by a local agency, the New York City Criminal Justice Coordinating Council. (Schatz Aff., Ex. 2). Indeed, we do not understand the appellants to challenge the lawfulness of the Department of Investigation subpoena.

Streetworkers claims that the Department of Investigation, by referring documents to the United States Attorney's Office, somehow violated the corporation's rights and that an unconstitutional seizure took place. (See Br. 5, 8). Quite the contrary is the case. The turnover of the documents by the Department of Investigation to the United States Attorney's Office was entirely proper and in accordance with its duty. The current provisions of New York City Charter, applicable to the Department

* The applicable provisions of the City Charter pertaining to the Department of Investigation have been amended. The revised provision, which incorporates prior practice, explicitly provides that: "In the event that the matter investigated involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, shall also forward a copy of his written report or statement of findings to the appropriate prosecuting attorney. . . ." New York City Charter Rev. § 803(3) (1976) (emphasis supplied).

of Investigation, expressly mandates that the Commissioner "forward a copy of his written report or statement of finding to the appropriate prosecuting attorney. . . ." New York City Charter Rev., § 803(c) (1976). Here the Department of Investigation forwarded to the "appropriate prosecuting attorney", namely the United States Attorney, its written reports and findings as well as the documentation which formed the basis for its findings. Thus, an investigative agency, the Department of Investigation, acted entirely properly in referring the documents to the United States Attorney's Office, the appropriate prosecutive agency.*

Not only was the action of the Department of Investigation entirely lawful; the cooperation between federal and state law enforcement agencies exemplified here has been both sanctioned and encouraged by the Courts. See *United States v. Mejias*, Dkt. No. 76-1384, slip op. 2269, 2280-81 (2d Cir. March 10, 1977); *United States v. DeBerry*, 487 F.2d 448, 451, n.4 (2d Cir. 1973); *Gullet v. United States*, 387 F.2d 307, 308 (8th Cir. 1967), *cert. denied*, 390 U.S. 1044 (1968); see also, *United States v. Gargotto*, 476 F.2d 1009, 1014 (6th Cir. 1973); *United States v. Nugent*, 389 F. Supp. 817, 820 (W.D. La. 1975); *cf. United States v. Mahler*, 254 F. Supp. 581 (S.D.N.Y. 1966).** Such cooperation is particularly ap-

* The possible defalcation of thousands of dollars of federal funds and the corresponding reporting requirement rendered possible federal prosecutive action appropriate. (See *Schatz Aff.*, Ex. 2).

** Although not cited by appellant, *United States v. Birrell*, 470 F.2d 113 (2d Cir. 1970), at first blush would appear to lend some support to the contention that the turnover of property from state to federal law enforcement authorities was improper. But *Birrell* involved a case in which the local police, engaged in a murder investigation, transferred documents to federal authorities for use in a wholly unrelated prosecution for perjury. It is on this basis that this Court has distinguished and limited *Birrell*. *United States v. DeBerry*, *supra*, 487 F.2d at 451, n.4.

[Footnote continued on following page]

appropriate where possible abuse of LEAA funds are involved since LEAA itself is premised on the cooperation of state and federal law enforcement authorities. See 42 U.S.C. § 3701 *et seq.*

This Court has already held that the transfer of documents seized by a local law enforcement authority to a federal authority in a related case is appropriate. See *United States v. DeBerry*, *supra*, 487 F.2d at 451, n.4. The *DeBerry* court stated in an analogous context:

"Such cooperation and teamwork are a laudable and necessary adjunct to the nationwide attack

Furthermore, in *Birrell*, the defendant demanded the return of the documents even before they were transferred to the federal Government, thereby placing the authorities on notice that there was an objection to any inter-agency transfer of the records. See *United States v. Gargotto*, *supra*, 476 F.2d at 1014. Finally, the *Birrell* court itself recognized that "this case must be determined on the basis of its peculiar facts." 470 F.2d at 117. Thus, it is respectfully submitted that on the authority of *DeBerry*, the instant transfer of documents from a state law enforcement authority to a federal law enforcement authority is proper.

The authorities upon which Streetworkers relies to support its claim that a "body which lawfully subpoenas property is guilty of an unlawful seizure when it thereafter retains the subpoenaed items without a court order" are inapposite. (Br. 9). Both *Gay Cottons Inc. v. Hogan*, 55 Misc. 2d 126, 284 N.Y.S. 2d 684 (S. Ct. 1967) and *Amalgamated Union, Local 224 v. Levine*, 31 Misc. 2d 416, 219 N.Y.S. 2d 851 (Sup. Ct. 1961), are state court cases where the use and retention of the subpoenaed documents by the Grand Jury were severely limited by statutes. Cf. *New York Criminal Procedure Law*, §§ 190.50(2), 610.10, 610.20; *New York Judiciary Law* § 325. Furthermore, *Application of Bendix Aviation Corporation*, 58 F. Supp. 953 (S.D.N.Y. 1945), involved the retention of the documents subpoenaed by the Grand Jury for attempted use in a separate civil proceeding. Finally, here the turnover of evidence to the appropriate prosecuting authority is a proper and integral part of the Department of Investigation's function.

against drugs, and it does not serve the purpose of the Fourth Amendment in any way to create unnecessary stumbling blocks to such cooperation." (Id.).*

Furthermore this Court has acknowledged that the production of documents to a governmental investigative agency in a civil context implies consent to their use in a criminal context. See *United States v. Sclafani*, 265 F.2d 408 (2d Cir.), cert. denied, 360 U.S. 918 (1959); *Greene v. United States*, 296 F.2d 841 (2d Cir. 1961). In *Sclafani* documents produced by a taxpayer to an IRS Revenue Agent for audit purposes were turned over to the Intelligence Division for possible prosecutive action.

* Streetworkers' reliance on *In re Nwamu*, 421 F. Supp. 1361 (S.D.N.Y. 1976) and *Application of Remy Sportswear, Inc.*, 183 N.Y.S. 2d 125 (Ct. of Gen. Sess. 1959) is misplaced. *In re Nwamu*, involved the validity of a "forthwith" subpoena in a context in which the subpoenaed party did not have an opportunity to consult with counsel and where the agents "treated the subpoena as though it were a search warrant calling for the immediate production and surrender of the documents to the agents on the spot and proceeded to enforce it with threats of contempt." 421 F. Supp. at 1365. The *Remy* case, also involved the validity of a surrender of documents in the face of a "forthwith" subpoena—this time in the context of a state Grand Jury proceeding.

Here, Streetworkers chose to comply with the Department of Investigation subpoena. One aspect of the Department of Investigation's responsibilities is to refer matters for possible criminal prosecution. Accordingly, Streetworkers' relinquishment of the documents to the Department of Investigation, a law enforcement agency, constituted consent for their retention and use as long as they were being employed for a law enforcement purpose. See *United States v. Mahler*, supra. Cf. *United States v. DeBerry*, supra; *United States v. Sclafani*, 265 F.2d 408 (2d Cir.), cert. denied, 360 U.S. 918 (1959). In this regard it is significant that after receiving the Assistant United States Attorney's response in March, 1976, Streetworkers chose to wait until approximately November, 1976 to press its demand for the return and suppression of the corporate records.

The taxpayer claimed, on appeal, that the Intelligence Division had "seized" these documents in violation of his Fourth Amendment rights. This Court found that there was inherent in a routine tax investigation a warning that the government would pursue the evidence wherever it led, including possible criminal action, and that it need not apprise the taxpayer "as to the direction in which its necessary fluctuating investigations lead." *United States v. Sclafani*, *supra*, 265 F.2d at 415.

Once it received the Department of Investigation subpoena, Streetworkers certainly must have known, unlike the defendant in *Sclafani*, that it was the subject of a criminal investigation and consequently must have known that its books would be used in furtherance of that investigation. Having turned over its books and records, it knew that these documents were in the domain of law enforcement. Streetworkers' sole complaint here, then, is addressed to the identity of the law enforcement agency conducting the investigation. Such a complaint has no constitutional dimension.* If the transfer of a taxpayer's books and records from a civil tax auditor to a criminal investigator does not violate the Fourth Amendment, it must follow *a fortiori* that a transfer of records from a local agency to a federal agency investigating the same conduct does not.

Even assuming *arguendo* that the United States Attorney's Office had illegally seized the questioned documents, it would not be prohibited from using such docu-

* Indeed, it is hard to fathom the precise nature of the alleged invasion of Streetworkers' rights. Streetworkers was given access to the original documents and an opportunity to obtain copies thereof. Furthermore, as a corporation, Streetworkers could not invoke the Fifth Amendment privilege against self-incrimination to avoid production of its records. See *George Campbell Painting Corp. v. Reid*, 392 U.S. 286, 289 (1968); *United States v. White*, 322 U.S. 694, 699 (1944).

ments if it possessed independent lawful knowledge of their existence. See, *e.g.*, *Wagman v. Arnold*, 257 F.2d 272, 276 (2d Cir. 1958); *McGarry's Inc. v. Rose*, 344 F.2d 416, 419 (1st Cir. 1965); *United States v. Mahler*, *supra*, 254 F. Supp. at 584.

Here the United States Attorney's Office was lawfully apprised of the investigation of the Department of Investigation and certainly would have subpoenaed the documents independently.*

In sum, the Department of Investigation lawfully referred the matter, including the questioned corporate documents, to the United States Attorney's Office. In any event, there has been no prejudice to the corporation.

CONCLUSION

The appeal should be dismissed; alternatively, the order of the District Court should be affirmed.

Respectfully submitted,

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* Thus, even if Streetworkers were correct, a point which we vigorously dispute, the appropriate remedy could only be the return of the documents, without prejudice to their being re-subpoenaed by the Grand Jury.

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Steven M. Schatz being duly sworn deposes and says that he is employed in the office of the United States Attorney for the Southern District of New York.

That on the 21st day of March, 1977
he served a copy of the within brief by placing the same in a
properly postpaid franked envelope addressed:

Delson & Gordon
230 Park Avenue
New York, N. Y. 10017

And deponent further says that he sealed the said envelope and placed the same in the mail box for mailing at the United States Courthouse Annex, 1 St. Andrew's Plaza, Borough of Manhattan, City of New York.

Steven M. Schay

Sworn to before me this

21st day of March, 1977

Frany L. Avent
MARY L. AVENT
 Notary Public, State of New York
 No. 03-4509237
 Qualified in Bronx County
 Cert. filed in Bronx County
 Commission Expires March 30, 1977